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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	No. 3-08-70235 MAG
	)	
v.	)	DECLARATION OF
	)	W.S. WILSON LEUNG AND
	)	STIPULATION
GREGORY ALLEN WEISS,	)	
	)	
Defendant.	)	
	)	

I, W.S. WILSON LEUNG, hereby declare and state the following:

1. I am an Assistant United States Attorney in the Office of Joseph P. Russoniello, United States Attorney for the Northern District of California. I respectfully make this declaration in support of the request of the parties in the above-captioned matter for an order vacating the preliminary hearing date of May 14, 2008 and setting a new preliminary hearing date for May 28, 2008, at 9:30 a.m. before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and extending the time period for indictment and excluding time under the Speedy Trial Act until May 28, 2008.

1           2.       On April 17, 2008, based on a complaint filed by a Special Agent with the Drug  
2 Enforcement Administration, Magistrate Judge Nandor J. Vadas issued a warrant for the arrest of  
3 Gregory Allen Weiss for conspiracy to distribute and to possess with the intent to distribute  
4 1,000 and more individual marijuana plants, as well as distributing and possessing with the intent  
5 to distribute 1,000 and more individual marijuana plants, in violation of 21 U.S.C. §§ 812,  
6 841(a)(1) and (b)(1)(A), and 846, and 18 U.S.C. § 2. On April 23, 2008, Weiss was arrested, and  
7 on April 24, 2008, he was presented before Chief Magistrate Judge James Larson. At the request  
8 of the parties, Judge Larson scheduled a detention hearing for the next day.

9           4.       At the April 25, 2008 detention hearing, Weiss was represented by Ann C.  
10 Moorman, Esq. During the detention hearing, the parties jointly presented a bail package for  
11 Judge Larson's consideration, which the Court adopted. Among these bail conditions were: (a) a  
12 \$600,000 personal recognizance bond (b) co-signed by two financially responsible persons and  
13 (c) secured by property with equity covering the bond amount, notably 1109-1147 Evans Drive,  
14 Santa Rosa, California. Weiss was released on April 25, 2008 upon his own signature and the  
15 signatures of his two co-signers, and he subsequently posted the property as security. After the  
16 April 25, 2008 detention hearing, Judge Larson set May 14, 2008 as the preliminary hearing date  
17 for Weiss.

18           5.       Since Weiss's arrest, the Government and Ms. Moorman have been engaged in  
19 discussions concerning this matter. Among other things, the parties have been conferring about  
20 possible dispositions, and reaching any such disposition prior to the filing of formal charges. Ms.  
21 Moorman has also advised the Government that she requires additional time prior to the filing of  
22 formal charges in order to consult with her client about this matter.

23           6.       Accordingly, the Government respectfully seeks a two-week extension of the  
24 preliminary hearing date in this matter, from May 14, 2008 until May 28, 2008, and exclusion of  
25 time under the Speedy Trial Act from May 14, 2008 until the requested May 28, 2008 date. On  
26 April 28, 2008, Ms. Moorman specifically advised the Government that her client consented to  
27 this request, and subsequently reaffirmed this consent on additional occasions.

1 Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury  
2 that the foregoing is true and correct.

3 DATED: May 12, 2008

4 /s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

5  
6 Stipulated to:

7  
8 DATED: May 12, 2008

9 /s/  
ANN C. MOORMAN, ESQ.  
Counsel for Gregory Allen Weiss